IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11866 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DS SHAH

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 11866 of 2004

MR RD RAVAL for Petitioner No. 1

MR.PRADIP D. BHATE, ASSISTANT GOVERNMENT PLEADER for Respondent No. 1

RULE SERVED BY DS for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 03/03/2005

ORAL JUDGEMENT

Heard the learned advocates. Mr.R.V. Suthar, Under Secretary, Water Resources Department is present and instructs learned Assistant Govt. Pleader Mr.Pradip D. Bhate to make a statement that the authorities are ready and willing to consider a representation which may be made by the petitioner within six weeks from today and will pass a fresh order. In view of that to facilitate the authorities to consider the matter afresh the order of punishment being Annexure 'C' to this petition dated 26.03.2002 is quashed and set aside.

2. The authorities are directed to consider the case of the petitioner after taking into consideration the contents of the representation which the petitioner shall make within six weeks from today and pass fresh order, keeping due sympathy to the factors which are mentioned by the learned advocate for the petitioner, namely, the advanced age and failing health. The order shall be passed in accordance with law. The authorities are directed, at the request of the learned advocate for the petitioner to take into consideration the contents of the petition also. The petition is disposed of. Rule is made absolute to the aforesaid extent. No order as to costs.

(Ravi R. Tripathi, J.)

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